

Frequently Asked Questions

The following FAQs are designed to illustrate questions that may arise concerning the Laboratory-Provided Relief for Cerro Grande Fire Survivors. They do not contain an exhaustive description of the relief program, which can be found at [\(link\)](#), nor do they answer every possible question on the program. Specific questions should be directed to the HR-7 Generalist in your division, or to Staff Relations, 7-8730.

Paid Time Off

Q. My supervisor and I have agreed that for the next month I should work part-time to give me time to work with my insurance company and builders to get started on re-building my house. How should I charge the other 50% time?

A. To Report Pay.

Q. Is the paid-time off policy limited to home owners? I was renting a house. The landlord has offered to sell me the lot rather than rebuilding himself. Can I take time off to get that process started?

A. Employees who suffered a catastrophic loss are eligible for reasonable paid time off, whether or not they owned the home that was destroyed. You and your supervisor should agree on what amount of time is reasonable under these circumstances.

Q. The house I was renting was destroyed in the fire. I found another place to live. However, my daughter's babysitter also lost her home and I haven't been able to find full-time daycare yet. Can my husband and I each take some paid time off to stay home with her until we find a new sitter?

A. Yes, but your time off is not unlimited. Employees who need to take time off to address the issues related to their catastrophic loss, for example to meet with insurance adjusters or construction contractors, can take a reasonable amount of time off as mutually agreed to with their supervisors. However, even employees who suffered catastrophic losses may not use that time for other purposes. So, in the case of your day care arrangements, you and your husband would each be limited to 4 hours of paid time each pay period.

Q. I had surgery the week before the fire and was supposed to stay off work for one month. Shouldn't I be reporting the weeks of May 8 and May 15 as Sick Leave? How will the closure of the Lab those two weeks affect my 12-weeks of FMLA protection?

A. In this case your time has already been recorded as Report Pay and generally should not be amended to charge Sick Leave. (Employees who need to exhaust their Sick Leave in order to qualify for short-term disability may be an exception.) The period the Lab was closed will not count against your 12 weeks of FMLA protection. Employees with questions about medical or FMLA-related absences should contact Deanne Phillips or Sheila Brandt in ESH-2 for case-specific guidance.

Q. One of my co-workers was on a vacation trip to Europe during the two weeks of the fire. Is it really true that he will get Report Pay and not have this trip charged to vacation?

A. Yes. In order to ensure that everyone was paid during the fire and to minimize the expenses associated with massive recalculation of pay checks and leave balances, everyone who was not working, regardless of what they were doing, will be left in Report Pay status for those two weeks.

Q. My supervisor and I can't agree on how much time I should be allowed to have off to meet with contractors about rebuilding my house. Can I file a grievance on this?

A. If you and your manager cannot agree on the amount of time you should be taking off, you should first request assistance from either the HR-7 Generalist assigned to your division or from HR-8, Staff Relations. You may also request an expedited review of the matter by your Division Director (or Deputy) and the Director for Human Resources. If you are unable to satisfactorily resolve the issue through one of those mechanisms, you may be eligible to file a formal complaint under AM 111.

Q. My house was destroyed. Because I was not able to find a place to live in Los Alamos, I'm having to commute from Santa Fe. Can I use RP to cover the difference in commuting time?

A. Report Pay can not be used in this situation.

Q. I am a contractor on a task order contract. I was not paid during the closure. Why not? What can I do about it?

A. In task order contracts, the Laboratory pays for deliverables rather than for work time. So the Laboratory pays your employer for tasks completed, not for the people provided. If no tasks were completed during the closure, no payments would have been made.

Some of the task order contractors have offered benefits to their employees similar to those being offered by the University of California to UC employees (e.g., payment during the closure, paid time off to deal with fire-related issues). In

some cases, task order contractors have taken out loans from the Small Business Administration to meet their payroll with the intention of filing claims for insurance or other government assistance intended to reimburse fire-related losses. You should check with your employer to see what benefits they are offering.

Q. My elderly mother lost her home in the fire and needs my help in sorting out the insurance claims and making the transition to an assisted-living facility. Can I take time off to help her with this?

A. Yes. If a member of an employee's immediate family has experienced a catastrophic loss, the employee is eligible for reasonable paid time off to assist the family member. Immediate family members include the employee's spouse, parents, grandparents, children, grandchildren brothers, sisters, and step- and in-laws in those relationships (e.g. parents-in-law).

Q. An employee in my group says she needs time off because her sister's house burned and her sister needs her help. Can I ask her to provide me with something verifying the loss and ask her to explain what she will be doing to help her sister?

A. Yes. Supervisors should not be giving employees "cart blanche" to be gone from work, but should be negotiating "reasonable" time off. If necessary, you can ask the employee to provide verification of the loss and to detail what amount of time they are requesting and why.

Q. I have a medical condition that is covered by FMLA. I also lost my house in the fire. How is my FMLA eligibility affected if I use RP to deal with my fire-related issues? Should I still be charging Sick Leave for my medical absences?

A. For purposes of determining FMLA eligibility, RP is treated the same as work time. However, in discussing your needs for time off with your supervisor, you should separate your needs for fire-related business from your medical absences. Your FMLA absences should be recorded as Sick Leave, Vacation, or Leave Without Pay, depending on your circumstances. For case-specific information on reporting medical, parental, or FMLA absences, contact Deanne Phillips or Sheila Brandt in ESH-2.

Q. Before the fire, I had made plans for a family vacation in July. Even though we lost our home, I think it's important for my kids that we take the trip. How should I charge my time?

A. In this case, you would charge your time to Vacation.

Q. I didn't lose my house, but I have had to start seeing a counselor because I keep having nightmares about the evacuation. Can I use the 4 hours of paid time for my appointments, or do I have to use Sick Leave?

A. You may use 4 hours each pay period for this purpose.

Q. My house was not completely burned down, but had bad smoke and water damage. For purposes of time off, is this considered a catastrophic loss, or am I limited to 4 hours every pay period?

A. If the damage rendered your house uninhabitable, then your loss would be considered catastrophic until the necessary clean-up and repairs have been accomplished and you can live in your home again, or for six months, whichever is less.

Q. My house was not burned, but my office at TA-46 was completely destroyed. I had a number of text books in my office that I bought when I was a student. My homeowner's insurance will cover them, but I'm having to take some time to make lists of the books and establish their value. Can I take paid time off to do this?

A. In this case, your loss would be considered non-catastrophic, so you can use up to 4 hours of RP each pay period for this purpose.

Q. I'm a non-exempt TEC. During the two weeks of the fire, I worked 60 hours each week. How much additional compensation am I entitled to?

A. First, you are entitled to be paid the normal premium for the overtime you worked during those weeks, so you should have already received time-and-a-half for the additional 20 hours each of those two weeks. You worked 120 hours during that period and are thus entitled to 80 hours of paid time off, or 80 hours of pay at your straight time hourly rate, or a combination of the two (e.g. 40 hours off and 40 hours of pay).

Q. I'm a non-exempt employee who was called in to work on May 18, 19, and 22 as the Lab prepared to reopen. I worked 10 hours on each of those days. How much paid time off can I take and what's the deadline for using it?

A. You may take 30 hours. The time off must be taken by August 15, 2000. If you are not able to schedule the time off before that date, you should elect the cash compensation.

Q. Some of the exempt employees in my group worked extraordinary hours under very stressful conditions during the fire and I don't think 3

days off is enough to compensate them for their efforts. Can I also grant them Authorized Leave with Pay under AM320?

A. The 3-day grant is intended, in this instance, to take the place of AL, so no additional AL should be granted in recognition of work done during the fire. You may wish to find another mechanism, such as a Los Alamos Awards Program (LAAP) award, to recognize their efforts.

Flexible Scheduling and Work Locations

Q. I would like to volunteer time to the community food bank. Their greatest need for help is during the week. Can I take work time to do this?

A. With your supervisor's approval, you can flex your schedule so that you can volunteer in this way. So, for example, if you want to volunteer at the food bank on Monday and then work on what would normally be your Friday off under the 9/80 schedule, you can do that. If you are a nonexempt employee you must make up the time in the same week.

Q. My house was not damaged, but my babysitter lost her house and I have not yet found day care. As I understand the rules, I can only have 4 hours every pay period to take care of my kids until I find other arrangements. Is there some other way that I can get the time I need?

A. You are correct that in your situation, you could only charge Report Pay for 4 hours every pay period. However, you can also work with your supervisor to flex your schedule so that you can share child-care duties with someone else. If you do a type of work that can be performed at an alternate location, and if your past job performance has been satisfactory, you may also be able to arrange to work up to 50% time at home.

Q. I didn't lose my home in the fire, but I will be working so much for the next few months to get operations restarted that I may not be able to take any vacation. I hired on in January 1993 and will reach the maximum accrual of 288 hours next month. Does the suspension of the maximum accrual rate apply to me?

A. Yes. The maximum vacation accruals are being suspended for all UC employees until December 31, 2000.

Q. I'm subject to a maximum vacation accrual of 384 hours and am almost at that limit now. Suppose that on December 31, I have a balance of 400 hours. Will the extra 16 hours be taken away from me?

A. No, however you would not accrue additional vacation after December 31, 2000 until you used some and your balance dropped below 384 hours.

Q. I hired on in 1995. By the time the end of this year rolls around, I will have exceeded the maximum accrual of 288 hours. Will I still get the 3-day Vacation grant over the holidays?

A. Yes. There is no plan to suspend the grant.

Financial Assistance Programs

Q. If I donate some of my vacation to be cashed out by a friend who lost her home, does she automatically get what I have donated?

A. In the case of person-to-person donations, your friend will only need to provide evidence that she sustained a financial loss.

Q. I'm a post-doc and am not a US citizen. I lost many personal possessions in the fire. I didn't have any insurance. What do I need to justify my request for funds from the Fire Survivor Financial Assistance fund?

A. You will need to briefly explain why there are no other financial mechanisms to assist you and you will need to justify the amount of money you have requested, for example by explaining what items need to be replaced and the cost of those items.

Q. I've heard that there are laws prohibiting foreign nationals from receiving money from the government to compensate them for their losses. If I donate vacation to the bank, will they be able to get financial assistance from the Laboratory?

A. Yes. This type of donation from one employee to another is not covered by the law that prohibits FEMA from providing assistance to non-citizens.

General

Q. During the period when many employees are off work to deal with their personal situations, other employees will have to pick up the slack. I know I'm not supposed to penalize the fire-affected employees for their absences at performance appraisal time, but what do I do about those who are doing extra work. Can I recognize their efforts in some way?

A. First, keep in mind that the performance appraisals that you are just now beginning cover the period from June 1, 1999 through June 30, 2000, so employees will be evaluated primarily on performance that occurred before the fire.

However, managers may recognize higher performance or increased job content for employees who took on additional duties though the individual performance score or the job content score. For short-term increases in responsibilities, the Los Alamos Awards Program may be a more appropriate recognition mechanism.